

REMARKS

This application has been carefully reviewed in light of the Office Action mailed October 8, 2003. Claims 1-22 are pending in the application. Claims 1-22 stand rejected. Applicants have amended Claims 1, 3, 4, 7, 9, 11-16, and 21 and have cancelled Claim 22. Applicants submit that no new matter has been added with these amendments. Applicants respectfully request reconsideration and favorable action in this case.

Rejections Under 35 U.S.C. § 103

The Examiner rejects Claims 1-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,848,095 to Deutsch et al. ("*Deutsch*") and "A Spectrum Efficient Technique for Cordless Telephone Access to ISDN" by Kashorda et al. ("*Kashorda*"). Applicants respectfully traverse all rejections and assertions therein.

The *Deutsch-Kashorda* combination fails to teach each and every limitation of the claim invention. For example, amended Independent Claim 1 recites, "the control logic operable to ... select a unique channel frequency for the at least one other channel **based on** the first channel and the determined spectral separation of the at least one other channel." To begin with, *Deutsch* merely discloses randomly hopping a signal over different frequencies, which, at a minimum, does not base the hopping on a first channel or a determined spectral separation. In particular, *Deutsch* discloses a system that selects channels according to a table that is established in the memory of the system **at the time of manufacture**,¹ which is clearly not "based on interference of the first channel **during transmission**" via the determined spectral separation. The table includes groups, where each group includes a series of frequencies, for example, a Group B includes frequencies B1, B2, ... B50. (*FIGURE 5*). The table of *Deutsch* is generated by grouping the channel frequencies of a frequency range into a number of subbands. (*Col. 6, Lines 47-55*). For each group, a random sequence of subbands is created. (*Col. 6, Lines 56-62*). A distinct channel frequency is selected from each subband of the random sequence of subbands in order to generate a sequence of random channel frequencies for each group. (*Col. 6, Lines 63-67*). If the channels of Group B are functioning properly, then the base unit and the remote unit will hop from B1 to B2 to B3, etc. to B50 and the cycle back to B1, B2, etc. (*Col. 6, Lines 1-4*). Thus, the base station and

the remote unit randomly hop between frequencies, which is not "based on the first channel and the determined spectral separation of the at least one other channel."² Additionally, Applicants were unable to locate any passage in *Kashorda* that teaches or suggest the claimed limitation. Accordingly, Applicants respectfully submit that Claim 1 and its dependents 2-6 are allowable.

Independent Claims 7, 15, and 21 are allowable for analogous reasons. Claims 8-14 each depend from independent Claim 7 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 7. Claims 16-20 each depend from independent Claim 15 and are thus patentable over the cited art, for example, for at least the reasons discussed above with regard to Claim 15.

¹ Col. 6, Lines 15-19.

² If a channel, for example, B3, is not functioning properly, the system will switch to a frequency of another group, for example, frequency C3 of Group C, resulting in a sequence B1, B2, C3, B4, B5, etc. (Col. 6, Lines 5-9). However, C3 is another randomly selected frequency assigned at the time of manufacture. (Col. 6, Lines 15-19)

CONCLUSION

For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 19-2179 of Siemens Corporation.

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Respectfully requested,

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, IP Department
Telephone: (732) 321-3026

By: Thomas George
Thomas George
Registration No. 45,740
Attorney for Applicants
Tel: 650-694-5191
Fax: 650-968-4517